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**FISCAL IMPACT STATEMENT**

**LS 7883**

**BILL NUMBER:** SB 637

**NOTE PREPARED:** Jan 15, 2005

**BILL AMENDED:**

**SUBJECT:** Modification of Sentences.

**FIRST AUTHOR:** Sen. Breaux

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill provides that a defendant may receive a sentence modification after serving 365 days of an executed sentence if the defendant has served at least 10 years or one-third of the executed sentence or demonstrates a pattern of behavior consistent with rehabilitation.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** Under current law, the court may reduce or suspend the sentence of an offender who has served more than 365 days with the consent of the prosecuting attorney. Under the bill, the court would be allowed to reduce or suspend the sentence of an offender who has served 10 years or one-third of a sentence based on the earliest release date.

A snapshot view of Department of Correction (DOC) offenders on December 16, 2004, shows an unduplicated count of **6,575** prisoners who could qualify for a reduced or suspended sentence under the proposed conditions, who do not have an earliest release date before July 1, 2005. This number includes:

- 1,507 who have served at least 10 years and
- 5,068 who have served at least a third of their sentence.

Of these offenders who meet the qualifications for sentence modification, 89% are expected to be released between 2005 and 2015 if they were to serve their entire sentences.

The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in

existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. Any expenditure reductions will be at the discretion of the sentencing court. Savings would be offset to some extent by the additional need for more parole or probation officers to supervise these offenders.

All of these offenders have:

- a high school diploma or GED,
- were in Class 1 credit level on December 16, 2004, and
- have served at least 365 days.

*Background Information:* Offenders in credit Class 1 receive one day credit off of their term of imprisonment for each day they serve. Offenders in the Class 2 credit level receive one day off of their sentence for each two days they serve. This estimate does not take into account the past history of any of these offenders.

LSA estimates that 89% of these offenders are expected to be released between 2005 and 2015 if these offenders serve their entire sentences. The following table shows the number of offenders by their year of release.

DOC Offenders with High School or GED in Credit Class 1 Having Served More Than 365 Days													
Expected Year of Release		2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Offenders Serving:	>10 yrs	63	135	117	115	80	86	78	83	61	63	36	917
	>33% of Sentence	912	1,545	911	528	318	249	168	98	74	76	42	4,921
Offenders Released		975	1,680	1,028	643	398	335	246	181	135	139	78	5,838

Depending on when these offenders are released, DOC may be able to accommodate more of their population in DOC facilities and rely less on jails and contract facilities. The daily cost of jails is \$35, while the daily cost of offenders in contract facilities is \$48. On November 30, 2004, 645 offenders were located in private contract facilities in Kentucky and 2,146 were located in county jails. Savings would be offset to some extent by the additional need for more parole or probation officers to supervise these offenders.

#### **Explanation of State Revenues:**

#### **Explanation of Local Expenditures:**

#### **Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction.

#### **Local Agencies Affected:**

**Information Sources:** Department of Correction.

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